In Bandfield *v.* Bandfield, 117 Mich. 80, 75 N. W. 287, 40 L. R. A. 757, 72 Am. St. Rep. 550, where the husband communicated to his wife a loathsome disease, the court denied her right to sue, and said that: "In the absence of an express statute, there is no right to maintain an action at law for such wrong. We are cited to no authority holding the contrary. We cite a few sustaining the rule: Abbott *v.* Abbott, 67 Me. 304, 24 Am. Rep. 27; Freethy *v.* Freethy, 42 Barb. 641; Peters *v.* Peters, 42 Iowa, 182; Schultz *v.* Schultz, 89 N. Y. 644; Cooley, Torts (2d Ed.) p. 268; Schouler, Dom. Rel. p. 252; Newell, Defamation, p. 366; Townshend, Slander and Libel (3d Ed.) p. 548."

Libel and Slander—Communication by Former Employer to Surety Company Held Privileged.—In Hoff *v.* Pure Oil Co., 179 N. W. 891, the Supreme Court of Minnesota held that a communication in the form of questions and answers concerning the standing of a former employee, to a party who by his authority requested it, is privileged, and is not a publication of any libel contained therein for which the law affords a remedy, in the absence of proof of express malice.

The court said in part: "It is well settled that proof of the truth of an alleged libel is a complete defense in a suit for damages, where no special damages are pleaded. Thompson *v.* Pioneer-Press, 37 Minn. 285, 33 N. W. 856. See note, 21 L. R. A. 504. See note, 50 L. R. A. (N. S.) 1040. See note, 31 L. R. A. (N. S.) 133; 25 Cyc. 413, and cases cited. * * * "A communication in the form of questions and answers concerning the standing of a former employee, to a party who by his authority requested it, in the absence of express malice, is privileged, and is not a publication of any libel contained therein for which the law affords a remedy. Railway Co. *v.* Delaney, 102 Tenn. 289, 52 S. W. 151, 45 L. R. A. 600; 25 Cyc. 392; Billings *v.* Fairbanks, 136 Mass. 177; Beeler *v.* Jackson, 64 Md. 589, 2 Atl. 916; Hebner *v.* G. N. Ry. Co., 78 Minn. 289, 80 N. W. 1128, 79 Am. St. Rep. 387. The inquiry and the reply thereto were in the nature of a confidential communication. They were so labeled and treated, so far as appears from the record. They were issued at the special instance of the plaintiff. The only publicity given the answers contained therein was in making them known to the Guarantee Company. The record presents no evidence sufficient to justify a finding of express malice. It follows that the defendants were entitled to a directed verdict."

Streets and Highways—Rights and Liabilities of Owner of Minerals under Highway.—In Breich *v.* Locus Mountain Coal Co., 110 Atlantic, 242, the Supreme Court of Pennsylvania held that one who owns a fee in minerals under the surface of a highway and mines on the surface adjacent thereto, may work such mines in such a way as not to

cause the road to subside, but the breaking of the surface of the highway by such owner is a use of the highway which is a nuisance per se.

The court said in part: "As the ownership of the coal is not in dispute, it is clear that when the road was laid out the owner had full dominion and control over the coal with the right of an absolute owner to it, subject, however, to the easement in favor of the public. He has the right to mine and remove it, but the removal must be done in such manner as not to injure the surface of the highway, or create a condition whereby injury may later follow. The servient estate must always be in such condition that the road may be continued as a highway for the traveling public in the future. From the undisputed facts this servient estate owed to the road above such support as will at all times preserve and keep it from subsiding. An abutting owner may use the land (the surface) for his own purposes in any way not inconsistent with the public easement, and is entitled to all profit and advantage that may be derived therefrom. 13 R. C. L. § 107, p. 121. 'The rights and title of an abutting owner * * * are subject * * * to the easement and servitude in favor of the public, and to the right of the public authorities to occupy the space above [and below] the surface of the way for any purpose within the scope of the public uses to which highways may be put.' 13 R. C. L. § 108, p. 123. But above and beyond this reasonable use of the public, the owner undoubtedly retains the right to use in his land, and so it has been held, where one owns the fee in the minerals under the surface of the highway, and the mines on the surface adjacent thereto, they may work such mines, but must do so in such way as not to cause the road to subside. 17 E. R. C. p. 554.

"The coal under the highway could not be removed without disturbing the surface; to mine it the surface itself, which includes the highway, must be physically displaced, stripped so that the coal might be taken out. The company's right to do this was subordinate to the right of the public to the highway. This use, encroachment, or obstruction by the company was a nuisance per se, which could not be legalized unless the highway ceased to exist as such; in that event, the land reverts to the owners and its use is no longer a public one."

Streets and Highways—Speed Ordinance Inapplicable to Officers in Pursuit of Criminals.—In State *v.* Gorham, 188 Pac. 457, the Supreme Court of Washington, held that the violation of speed ordinances of a city cannot be charged against an acting deputy sheriff of the county using a motorcycle in pursuit of an automobile thief; peace officers being answerable only for abuse of their privileges in respect to such local regulations.

The court said in part: "That the enforcement of statutory or